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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,726	02/25/2005	Axel Eggert	20496-455	4901

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PROSKAUER ROSE LLP
PATENT DEPARTMENT
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EXAMINER

NGUYEN, JIMMY T

ART UNIT	PAPER NUMBER
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3725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/506,726

Applicant(s)

EGGERT, AXEL

Examiner

Jimmy T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed on December 07, 2006 has been entered and considered and an action on the merits follows.

Specification

The abstract is objected to because it includes the form and legal phraseology often used in patent claims, such as "means" and "said". Therefore, the word "said" (line 4) should be deleted. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mausser et al. (hereinafter "Mausser") (US 5,744,006) in view of Wuestner (US 4,905,910) and Fuentes (2000 IEEE publication).

Mausser discloses a press comprising two counterrotating rollers (2, 3) arranged in one plane (fig. 1), wherein the rollers are held in (i.e., in between) a roller housing (15, 16) by bearing blocks (4 and 5), with at least one (2) of the rollers being a loose roller which is flexibly

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supported by force generators (17), the roller housing (fig. 1) with a vertical design (fig. 1) comprises two separate parts (15 and 16) namely a bottom part (16) comprising one (3) of the rollers and a top part (15) with the loose roller (2), wherein said top part is held by a swivel bearing (18, also see claim 28, lines 7-17) to the bottom part and is lockable by an element (13'), wherein the top part can be swiveled open by way of the swivel bearing (col. 3, lines 19-20). Mausser discloses the rollers are driven by a single motor (24). Mausser does not disclose the rollers at each of their two sides comprising their own electric motor drives. However, the patent to Wuestner teaches a roll press having two counterrotating rollers (11, 12), wherein the rollers at each of their two sides comprising their own electric motor drives (23-26) in order to improve the operation of the roll press (col. 1, lines 58-60). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the single drive motor of the press of Mausser with an electric motor drive at each of the two sides of each of the rollers, as taught by Wuestner, in order to improve the operation of the roll press.

Note that Mausser discloses that the force generator is extended and retracted to move the top roller (2) away and toward the bottom roller (3) to adjust the pressing force (col. 3, lines 22-24; and figure 1); therefore, the Examiner interprets the top roller (2) as a loose roller because it is movable. Furthermore, Mausser discloses the top and the bottom parts (15 and 16) are connected to each other by the swivel bearing (18) on the right side (fig. 1), and the top and the bottom parts are connected to each other by a releasable connecting member (13') on the left side (fig. 1); therefore, the top part (15) can be swiveled open by way of the swivel bearing when the connecting member (13') is released.

As to the electric motors of the drives of each of the rollers are interconnected to each other by an electric shaft so that the rollers rotate at the same speed. Mausser, as modified by Wuestner, discloses the press having a drive system comprises: an electric motor at each side of each of the rollers. The electric motors are the type of slip on gearing electric motors (col. 3, lines 19-22) and they are connected together in order to share an equal torque (see col. 4, lines 7-20 of Wuestner). Mausser does not teach the type of drive system utilizing an electric shaft. However, Fuente teaches that it is old and well known to use a drive system utilizing an electric shaft for connecting any number of the motors together for achieving the same rotation speed of mechanical loads (see page 1). Since Mausser teaches the drive system for rotating mechanical loads, and Fuente also teaches the drive system for rotating mechanical loads, it would have been obvious to modify the drive system of Mausser with the type of drive system utilizing an electrical shaft as taught by Fuente, in order to achieve the same rotation speed of mechanical loads, thus improving the pressing operation.

Response to Arguments

With regard to Applicant's argument filed December 07, 2006, the Applicant argued that the specification is adequately and clearly describes the claimed subject matter as claimed in claims 2 and 3 with reference to "an electric shaft". This argument has been considered, the objection to the specification and the rejection of claims 2-3 under 35 U.S.C. 112, first paragraph as set forth in the last Office action have been withdrawn.

After further consideration, the amended claim 1, which includes the claimed subject matter of the previous claim 2, has been rejected under 35 U.S.C. 103 as set forth above. Since

the previous claim 2 has not been rejected over prior art in the last Office action, this Office action is therefore not made final. Examiner regrets any inconvenience.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Monday-Thursday 7:30am-5:00pm with alternating Friday 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTNguyen
March 02, 2007


JIMMY T. NGUYEN
EXAMINER - AU 3725